

**ETHICS OPINION NUMBER 172
OF THE MISSISSIPPI BAR
RENDERED JUNE 22, 1990**

PROFESSIONAL INDEPENDENCE OF A LAWYER - CONFLICT OF INTEREST - A lawyer may rent office space in the same suite as a licensed professional counselor, where the relationship between the co-tenants is for the purpose of sharing overhead expenses, and there will be no commingling of funds or other activities which would amount to a partnership involved in the practice of law. A lawyer may engage in the business of providing legal research and legal writing for other lawyers who do not practice in his firm.

The Ethics Committee of the Mississippi State Bar has been asked to render an opinion on the following facts:

A lawyer is considering renting office space in the same suite currently used by two licensed professional counselors. The attorney intends to take no part in the practice of the counselors. The attorney will not be "fed" any legal business by the counselors, and there will be no commingling of fees or other benefits.

Additionally, the attorney is considering providing legal research and writing for other attorneys who are not members of, or associated with his firm.

The attorney wishes to know:

1. Whether he can ethically share an office suite with nonlawyers; and
2. Whether he can ethically engage solely in the business of providing legal research and writing.

There is no proscription in the Rules of Professional Conduct against a lawyer sharing office space or office suites with a nonlawyer. Rule 5.4 requires that a lawyer maintain professional independence, and that a lawyer "shall not form a partnership with a

nonlawyer if any of the activities of the partnership consist of the practice of law. The fact situation presented here does not disclose any activity which would consist of the practice of law. The lawyer should be sensitive, however, to the provisions of Rule 1.6 which require a lawyer to maintain confidentiality of information related to the client. The lawyers files, records, research and other information related to the representation of a client must be maintained in such manner as to be inaccessible to the nonlawyers who share the office space.

If a lawyer chooses to provide legal research and writing to other lawyers who are not members or associates of his firm, he may ethically do so, provided he does not, on a particular matter, violate the provisions of Rule 1.7 related to conflicts of interest. The lawyer should make certain that he is not providing services to lawyer for the use and benefit of a client with whom he has a conflict of interest